

U.S. Serial No. 10/675,169  
Reply to Office Action of: February 23, 2006  
Family Number: P20021108 US2

### **III. REMARKS**

The present Amendment and Response is filed in response to the Final Office Action mailed February 23, 2006. The Applicants note with appreciation the indication by the Examiner that the objections to the drawing, abstract and disclosure as well as the 35 U.S.C. 112 - 2<sup>nd</sup> paragraph rejections to the claims contained in the non-final Office Action have been withdrawn. The specification has been amended herein.

The applicants offer the following remarks for consideration in view of the Examiner's claim rejections. Reconsideration of the patentability of the instant application is respectfully requested in view of these amendments and remarks as well as the pending petition with the Office of Petitions.

#### **1. Claim Rejections under 35 U.S.C. 103**

Claims 1-15 have been rejected as allegedly being unpatentable under 35 U.S.C. 103 (a) over U.S. Pre-grant Patent Publication No. 2001/0038934 to Berlowitz (herein "Berlowitz") in view of one to three prior art references depending upon the claim.

The applicants hereby request that the current application be amended to claim the benefit of and be designated as a continuation-in-part of the Berlowitz reference cited by the Examiner. To this end, the applicants have submitted to the Office of Petitions pursuant to 37 C.F.R. 1.78 (a) (3) a petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 120 in regard to the above-identified patent application. A copy of the petition for an unintentionally delayed claim for priority filed with the Office of Petitions is incorporated by reference herein and attached hereto. If the petition is granted by the Office of Petitions, the applicants respectfully request the Examiner to enter the above referenced amendment to paragraph [0001] of the specification, and allow the claim of priority to the Berlowitz reference. In particular, the applicants claim priority to the Berlowitz reference, such that the present application is designated as a continuation-in-part of the Berlowitz reference pursuant to 35 U.S.C. 120 and 37 CFR 1.78 (a).

In view of the foregoing remarks and the grant of the pending Petition, the applicants submit that the Berlowitz reference is not prior art against the present disclosure, and

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respectfully request the Examiner to withdraw the rejection of claims 1-15 under 35 U.S.C. 103.

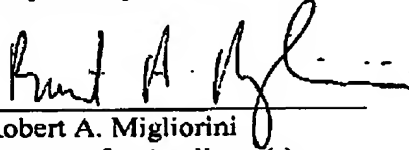
#### IV. CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the rejections of the claims have been overcome, and that the pending claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. The Commissioner is hereby authorized to charge a 1-month extension fee of \$120.00 associated with the one-month extension of time in filing this response to Deposit Account Number 05-1330. If any other fee is required, or otherwise necessary to cover any deficiency in fees already paid, authorization is hereby given to charge Deposit Account Number 05-1330.

If there should be any questions in connection with this request, the undersigned may be contacted at the number below.

Date: 6/2/06

Respectfully submitted,

  
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☒ Pursuant to 37 CFR 1.34(a)

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